



## **BROWNFIELDS REVOLVING LOAN FUND**

### *Gateway to Industrial Development*

#### **SUBJECT: LOAN ELIGIBILITY**

BCRLF applicants must meet all of the following eligibility criteria. Meeting the eligibility criteria does not guarantee the approval of a loan. It merely means the borrower may apply for a loan. Consideration and approval of the loan application depends on the probability that the project will repay the loan and the availability of BRLF funds.

**IMPORTANT NOTE: All sites considered for BRLF loans must be listed on the Department of Ecology's Hazardous Sites List. Applicants must be enrolled in Ecology's Voluntary Cleanup Program (VCP).**

#### **Eligible Borrowers**

Either BRLF funds may be used to cleanup sites that are publicly-owned, directly by a municipality or indirectly through a quasi-public entity such as a community development corporation; or, they may be sites that are privately-owned by somebody or by some business firm with a clear means to repay the BRLF loan.

Eligible borrowers must meet the following criteria:

- The borrower must own or have control of the site.
- The borrower must not have caused or contributed to the contamination at the site.
- The borrower must not be or have been subject to any penalties for lack of compliance with environmental laws and regulations at the site subject to the loan.
- The borrower must be authorized to incur debt and enter into legally binding agreements.

## **Ineligible Borrowers**

BRLF can not be used:

- By parties responsible for the contamination at the site, or
- By parties who are non-compliant with any environmental laws or regulations at the site.
- By parties who have been suspended, debarred or declared ineligible for Federal financial programs.

## **Eligible Brownfields Sites**

Eligible properties must meet the following criteria:

- Properties must be idled, underutilized or abandoned as a result of real or perceived contamination.
- Property must be entered into the voluntary Cleanup Program and identified on, or be added to, Ecology's confirmed and Suspected Contaminated Sites database.
- The cleanup must be completed within 12 months from the date removal activities begin on site.
- A site reuse or redevelopment plan should be developed. Eligible brownfields sites must meet the following criteria:

## **Ineligible Sites**

Sites that are ineligible for BRLF funds include:

- sites listed, or proposed for listing on the National Priority List (NPL),
- sites at which removal actions must be taken within six months,
- sites where a Federal or state agency is planning or conducting a response or enforcement action,
- sites contaminated by other non-CERCLA wastes (e.g., naturally occurring substances, products or interior contaminants such as lead-based paints or asbestos).

## **Eligible Cleanup Activities**

Brownfield Revolving Loan Fund proceeds can be used to finance:

- Excavation, consolidation, or removal of contaminated soils from drainage or other areas.
- Containment, treatment and disposal of hazardous materials.
- Removal of drums, barrels, tanks or other bulk containers that contain or once contained hazardous substances.
- Site monitoring, including sampling and analysis necessary during the cleanup process.

## **Eligible Project Costs**

Eligible project costs are for cleanup only. This includes the following types of activities:

- Removal activities. Removal activities include actions associated with removing, mitigating, or preventing the release or threat of release of a hazardous substance, pollutant, or contaminant. Some specific examples of removal activities include:
  - Fences, warning signs or other security or site control precautions.
  - Capping of contaminated soils.
  - Excavation, consolidation, or removal of contaminated soils from drainage or other areas.
  - Containment, treatment, disposal, or incineration of hazardous materials.
- In limited circumstances, eligible project costs may include those costs associated with developing an Engineering Evaluation/Cost Analysis (EE/CA) to evaluate the environmental situation and set forth alternative actions for cleanup.
- Site monitoring costs, including sampling and analysis that are reasonable and necessary during the cleanup process, including determination of the effectiveness of a cleanup.
- Costs associated with meeting the public participation requirements, the worker health and safety requirements and interagency coordination requirements of the site cleanup.
- Costs associated with removal activities, including demolition and/or site preparation that are part of the site cleanup.

- Costs associated with site management, including payments for Ecology's oversight of NCP response planning activities.

### **Additional Considerations**

The following additional considerations will be used to evaluate projects:

- The project must have a site reuse/redevelopment plan with near term economic viability.
- The project must result in job creation/retention. The number and types of jobs created and/or retained by each project will be an evaluation factor.
- The project must be ready to proceed upon acceptance of the application and must provide a realistic plan for cleanup and redevelopment. Cleanup should begin within 90 days of execution of the loan documents. The likelihood of success of the project will be an evaluation factor.
- The borrower must obtain all required local, state and federal permits and licenses.
- Borrowers must also agree to comply with the applicable provisions of the:
  - Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC 9601 to 9675).
  - National Contingency Plan (NCP) (40 CFR Part 300).
  - Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (40 CFR Part 31).
  - Cooperative Agreements for Superfund Response Actions (40 CFR Part 35, Subpart O).
  - Davis Bacon Act (i.e., prevailing wage rates).
  - All other applicable federal, state and local statutes, rules, regulations and requirements.

More Information:

Commerce's Brownfields Program

Phone: 360-725-3051

Email: [bill.mandeville@commerce.wa.gov](mailto:bill.mandeville@commerce.wa.gov)